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Attorneys for Defendant

KMART CORPORATION

(erroneously sued and served as "Sears Holding Management Corporation")

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

LISA GARVEY, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

SEARS HOLDING MANAGEMENT
CORPORATION, and DOES 1-50 inclusive,

Defendants.

Case No. 11-2575

**The Honorable William H. Alsup
ORDER APPROVING
STIPULATION TO SUBSTITUTE
DEFENDANT**

Complaint Filed April 11, 2011

Winston & Strawn LLP
333 S. Grand Avenue
Los Angeles, CA 90071-1543

1 Plaintiff Lisa Garvey ("Plaintiff") and Defendant Kmart Corporation, erroneously sued and
2 served as Sears Holding Management Corporation, ("Defendant") hereby agree and stipulate as
3 follows:

4 **WHEREAS** Plaintiff filed the operative complaint on April 11, 2011, alleging one cause of
5 action for violation of California Labor Code Private Attorneys General Act of 2004, California
6 Labor Code §§ 2698 *et seq.* based on California Labor Code § 1198 and Wage Order 7-2001;

7 **WHEREAS** per the Court's request on September 8, 2011, Defendant sent Plaintiff's
8 counsel a copy of Plaintiff's 2010 W2 Tax Statement on September 12, 2011 demonstrating that
9 Kmart Corporation was Plaintiff's employer; based on Defendant's understanding of the putative
10 class Plaintiff seeks to represent, all of those individuals were similarly employed by Kmart
11 Corporation, who is the proper Defendant;

12 **WHEREAS** Plaintiff has not yet conducted discovery related to additional employers, and
13 thus Plaintiff may later seek to amend the Complaint to add additional employer(s) based on the
14 evidence;

15 **NOW THEREFORE:** the parties jointly stipulate and request that the Court substitute
16 Kmart Corporation in place and instead of Sears Holding Management Corporation as the proper
17 Defendant in this matter.

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1 Dated: September 16, 2011

RIGHETTI GLUGOSKI, P.C.

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3 By: /s/Michael Righetti
4 Michael Righetti
5 Attorneys for Plaintiff
6


7
8 Dated: September 16, 2011

WINSTON & STRAWN LLP

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10 By: /s/Amanda C. Sommerfeld
11 Amanda C. Sommerfeld
12 Attorneys for Defendant

13 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

14 Dated: September 28, 2011.

15 
16 The Honorable William Alsup